



*There are more than 700,000 Australians with intellectual disability and/or complex and associated needs. There are more than one million family members who support them.*

*Our Voice Australia is a voice for those who cannot self-advocate.*

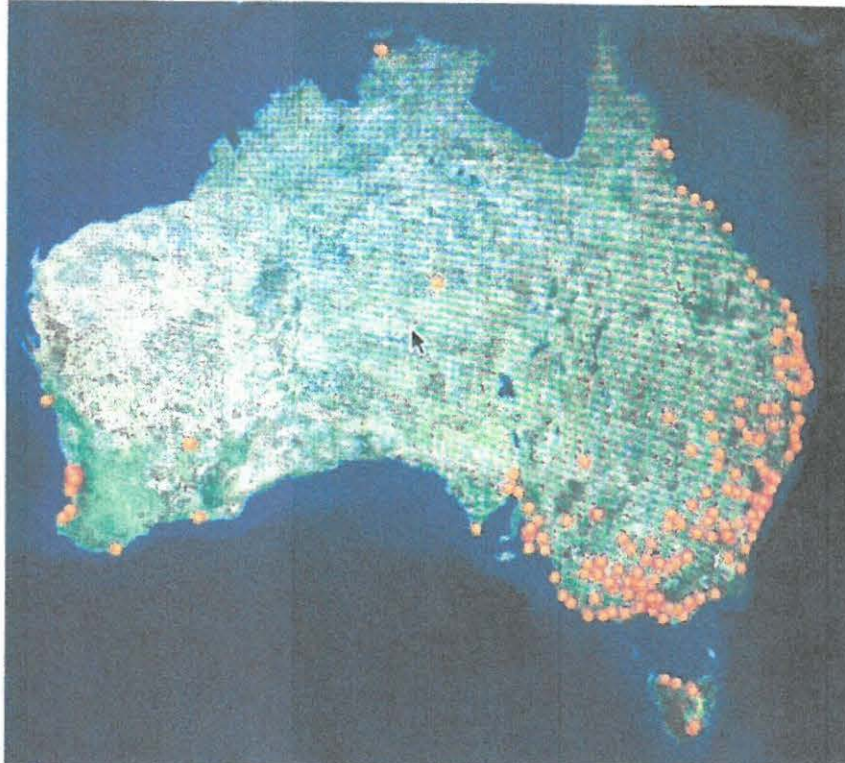
[www.ourvoiceaustralia.org.au](http://www.ourvoiceaustralia.org.au)

Our role in these proceedings is as advocates for our disabled family members – who form part of those 700,000 vulnerable Australians – with intellectual disability and complex needs

[www.ourvoiceaustralia.org.au](http://www.ourvoiceaustralia.org.au)

Specifically we advocate, in this instance, for those working in Australia's Disability Enterprises (ADE's). These supported employment options are spread throughout the length and breadth of Australia. Our Voice Australia is well represented in those enterprises – at national level.

### **National map of ADEs at risk of closure**



Defining our disabled family members working in these supported employment enterprises – is clear. But we need to ensure that our role as family carers – in this instance – is also understood.

The generic term “**CARER**” does great dis-service to the unpaid role of family carers. There is general confusion between a “*family carer*” and a “*disability support worker*”, where the caring role is a paid professional one- with the disability support worker able to opt in – or out – at will.

More often than not – our members do not “work” in the disability sector – they actually “live” it. Opting out – is not an “option” for them – or their family carer.

The following list of “carers” will ensure that all parties to these proceeding understand that group of people with a disability – and their family carers - for whom we advocate

<b>“life-time” carer</b>	<b>That’s cradle to grave – 24/7/365 – for a lifetime.</b>
<b>“time-of-life carer</b>	<b>Aged care – average 5-10 years.</b>
<b>“term-of-life” carer</b>	<b>A traumatic illness or trauma at some stage of life to a healthy person</b>
<b>“foster-carer”</b>	<b>A choice by a third party – with the ability of opting out if the going gets tough</b>
<b>“young carer”</b>	<b>A child caring for another disabled family member</b>
<b>“kin-ship carers “</b>	<b>Grandparents or extended family carers when parenting options break down</b>

Our membership, generally, consists of those who require “life-time” care.

In any issue that involves disabled family members with a moderate to severe intellectual disability and complex needs - decision makers need to understand that this group of marginalised – and vulnerable citizens – whom we represent in increasing numbers – at national level.

- Cannot self-advocate
- Have no legal/lawful capacity to make informed decisions on important matters
- Lack representation by any of the three Peak Bodies to which Federal Government Departments refer them for advocacy
- Have been gravely disadvantaged by the unrepresentative actions of the Federal and State funded advocacy groups who (purportedly) represent their needs.
- Form the core cohort of the National Disability Insurance Scheme.

Unless our advocacy for this vulnerable group of people is understood by decision-makers - in matters currently before Australia’s Industrial, Federal and Administrative Legal Systems - then the non-representation of this vulnerable group of people - and the needs of their family carers - will not just continue - but escalate.

About 1/3 of our membership do not have computer literacy and rely on hard-copy print for information and contact. Many live in Regional Australia.

Our Voice Australia Inc. represents that group of people with a disability – their families and carers in this action – and we do so at our own expense.

We trust that this explains our role – and the increasing need for us to provide a voice for these Australian citizens in matters of policy and decision-making.

## Rights at Work for Supported Employees

(a) When dealing with employment matters affecting supported employees the employer shall take all reasonable steps to provide such employees with the information they require to exercise their employment rights.

(b) Such reasonable steps will include but are not limited to the following.

- (1) Providing information to supported employees of their right to be a member of the union and be represented in the workplace by a union representative.
- (2) Providing information in relation to seeking information and or assistance from the Fair Work Ombudsman.
- (3) Providing information to a supported employee about their right to have their <sup>NOMINEE</sup> guardian, carer, parent/family member, advocate or union assist them in making decisions about employment matters.

(c) In addition to those matters listed in sub- clause (b) the employer shall take reasonable steps to provide the opportunity to the supported employee to have their <sup>NOMINEE</sup> guardian, carer, and/or Parent/family member to be involved and or consulted in employment matters that may be prejudicial to the supported employees interests.

(d) Such matters shall include but not be limited to

- Significant workplace change
- Grievances, INCLUDING DISPUTES UNDER CLAUSE 28
- Redundancies
- Disciplinary matters
- Performance appraisals
- Wage assessments, and
- Enterprise bargaining

NOMINEE

(e) The supported employee, their parent/ family member , carer or guardian shall be informed that they can seek further advice from a union, Fair Work Ombudsman , advocacy group or any other such person or organisation they believe would help them make informed decisions about employment matters.

## **Hundreds of axed disabled workers still jobless TWO years after Remploy factory closures**

Factories across UK enabled hundreds of disabled people to make products such as school furniture and wheelchairs

BY

**JASON BEATTIE** HEAD OF POLITICS

00:00, 5 JAN 2015

**NEWS**



**Closed down: Remploy offices across the UK were shut down by the Coalition government (Image: PA)**

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Almost half of the staff at Remploy factories have failed to find work - despite a Government promise to help them.

More than 1,500 disabled workers lost their jobs when the Government closed the plants in 2013.

But new figures show that nearly half - 733 - made redundant still remain out of work.

At the time the factory closures were announced, Welfare minister Esther McVey told MPs the Government "will continue to do everything we can to support them in finding new jobs."

Remploy was set up in the 1940s to give disabled war heroes and miners a job for life. Over the next 70 years they provided work for thousands of people with disabilities making products such as school furniture and wheelchairs.

But the Coalition closed the last of the 92 factories in 2013 and pledged £8 million to help former staff back to work.

A written Parliamentary answer by Work and Pensions minister Mark Harper revealed that of the 1,507 people who were made redundant only 774 are currently in work.

Labour MP Pamela Nash, whose Airdrie and Shotts constituency was home to one of the factories, said the Government's record on Remploy was "shameful."

"The Government insisted that Remploy workers would be supported into alternative employment, but almost half are still out of work. The unneeded stress of all this to some of the most vulnerable workers in our country is a national disgrace," she said.

She added: "I'll never forget the devastated faces of my constituents who worked for Remploy when they were told they were losing their jobs. For these workers to have spent yet another Christmas and to be starting yet another year out of work is very sad news for them and their families.

"The fact that one in two of these workers are still jobless after they were made unnecessarily unemployed, when there were alternatives open to the Government to keep them in work, makes a mockery of the government's work programme, which clearly isn't living up to its name.

"The government's record on disability employment in general is one of failure; Iain Duncan Smith dumped these Remploy workers on the dole queues against Labour warnings, and as these figures show they are sadly more likely to still be there."

A Department for Work and Pensions spokesman said: "Disabled people deserve the same employment choices as everyone else – not being consigned to work in segregated, loss-making factories. There are now over 250,000 more people with disabilities in mainstream work this year compared to last."

# Let my daughter work

The rising minimum wage keeps her, and almost all people with learning disabilities, from the dignity of a paid job

ROSA MONCKTON

Freud said 'Love and work... work and love, that's all there is.' And 'Love and work are the cornerstones of our humanness.' What is life like for people with learning disabilities who have the cornerstone of the love of their parents, but who have little prospect of work?

Approximately 1.4 million people in the UK have a learning disability, yet 1.3 million of them are unemployed. Think of the misery that figure represents, the isolation and loneliness. The October 2016 Department of Work and Pensions Green Paper, *Improving Lives*, states: 'The evidence is clear that work and health are linked.' It says that there are 1.5 million people in receipt of the Employment and Support Allowance benefit, yet acknowledges that there is little practical support to help them into work. It accepts that 'the longer a person is out of work, the more their health and well being is likely to deteriorate... so every day matters'. But it barely focuses at all on people with a learning disability.

In September 2016 I started a charity in Brighton, Team Domenica — named after my youngest daughter, who has Down's Syndrome. The purpose of the charity is to get young adults with learning disabilities into employment because I found, as have so many other parents, that there was nothing for my child to do to once she had left college. Our charity has 21 trainees and it runs a year's course in supported employment, in partnership with Brighton City College. We also have a training café which is open to the public, where our young men and women can hone their practical and social skills. We have an on-site business, where they weigh and package spices, stick on labels and parcel up the goods. Our kitchen is also a mini-business: they select items they would like to see sold in the café, make the shopping list, do the shopping, cook, price up and deliver to the café. But what next?

According to the *Improving Lives* Green Paper, several of them should be entitled to 'personal support from accredited coaches' to accompany them into work. This would be wonderful — many will need one-on-one support throughout the day — but we have so far failed to gain any of this 'access to work' funding. It only applies, we've been told, if the work is paid.

Pay is the really thorny issue. The single thing that makes it most difficult to get people with learning disabilities into work is the ratcheting up of the minimum wage, which from 1 April goes up to £7.05 per hour if you are aged between 21 and 24, and £7.50 if you are older. On the whole, employers are not charities, and it is difficult for them to employ people if their output amounts to a loss. Most of our graduates will manage only eight to 15 hours a week. Yet even to raise the subject of exempting disabled workers from the minimum wage, letting employers

*Employers are not charities, and it is difficult for them to employ people if their output amounts to a loss*

pay them less, is to be considered brutish and inhumane.

In 2011 a Conservative MP made a speech in the House of Commons on the employment opportunities bill. He declared it a scandal that only '6 per cent of people with learning disabilities have a job' and said, 'If legislators are not prepared to accept that the minimum wage is making it harder for some of those vulnerable people to get on the first rung of the jobs ladder, we will never get anywhere in trying to help these people into employment.' For this thoughtful intervention, he was described as 'insane', 'disgusting', 'like Hitler'. The *Daily Mirror* declared: 'This is a contemptible bid to impose slave labour.'



Just over two years ago, Lord (David) Freud, then a minister in the DWP, was asked a question on the subject by a Tory councillor, David Scott, who said: 'I have a number of mentally damaged individuals, who to be quite frank aren't worth the minimum wage, but want to work... but you can't find people who are willing to pay the minimum wage. How do you deal with those sorts of cases?'

Freud replied: 'I know exactly what you mean, where actually as you say they're not worth the full wage, and I'm going to go and think about that particular issue, whether there is something we can do nationally.'

The backlash was spectacular. Ed Miliband declared 'The Nasty Party is back'; and various disability charities, such as Mencap, denounced Freud. Esther McVey, a fellow-Tory who was the disability minister in the same department as Freud, said on the BBC *Daily Politics* programme that 'Those words will haunt him... he will have to explain himself.'

As the mother of a child with a learning disability, I followed these events with mounting anger. It is so obvious to most parents in my position that a therapeutic exemption from the minimum wage would have a transformative effect.

But policy makers seem to live in an abstract world, driven by the idea of 'ending inequality' without looking at the real lives of people involved. They obsess on the 'human right' of disabled adults to receive the minimum wage; they are more interested in political slogans than in understanding what would be the best thing in practice. Because in practice, money isn't the real point. People with a learning disability may still be living with their parents. Very often they have no understanding of money (Domenica was given a £5 tip on one of her work placements, and asked me if she could now go to New York). They want to work so as to have a fulfilling and purposeful life.

When I am in our training centre, speaking to our students when they return from a work placement, I can see how changed they are. When they say 'I've been to work today', they look confident and happy.

I look ahead to the new intake we are welcoming to Brighton in September, and to the opening of a new centre in Eastbourne, which is in the planning stages, and I just hope that politicians see sense. Services are closing, and day centres barely exist any more, so what lies ahead for people like my daughter? Unless the law changes, they can expect a life spent in the shadows, slumped on a sofa, eating the wrong sort of food, watching daytime television. This is not about the right to a minimum wage, it is about the right to have the human dignity that comes with work, and with being included.

[www.teamdomenica.com](http://www.teamdomenica.com)

This analysis is provided on behalf of intellectually disabled workers in Australia's Disability Enterprises –their families and carers.

The issue of fair pay for employees in this model of supported work - and the continuing viability of our disability enterprises - are matters that have been under conciliation by the Commission and stakeholders (including Family and Carers) for the past 3 years.

**An excerpt of the 4 shared objectives of all the stakeholders is as follows:-**

***6.(a) A fair, equitable and non-discriminatory wage outcome to contribute to a living income for employees in supported employment***

***(b) Continued opportunity for employment in supported employment settings to build and maintain the self-esteem and sense of purpose of employees***

***(c) Sustainable employment opportunities in viable ADE's; and***

***(d) To provide security and confidence to employees, parents and carers for the future.***

***(Statement issued by Deputy President Booth dated 15 October, 2015- full copy attached)***

Workers, families and carers have been represented (at our own personal cost) in the conciliation process by Our Voice Australia – previously the Carers Alliance.

In July, 2017 the AED Legal Centre (supported by People with a Disability and Inclusion Australia) formally lodged an application to vary the SESA Award by removing all wage tools – other than the SWS (Supported Wage System). The removal of all skills-based wage assessment tools leaves only the productivity based SWS – which was developed for open employment – not supported employment.

Independent and professional financial projections confirm the SWS will increase wage costs from 30-50%, The Federal Government has committed to funding those increases – in a reducing threshold (100%,75% and then 50% - reducing to nil in 3 years). This has not deterred the advocates from formally lodging their variation and requesting the Fair Work Commission industrially legislate their request.

This breaches the “*viability, security and confidence*” agreements of all stakeholders in conciliation.

Accordingly Our Voice Australia has formally opposed AED's requested variation which is, historically, their ideological goal spanning 2 decades of law-fare. That “*law*” fare– has been conducted – at taxpayer cost - with no consultation with, or representation of, the workers and or their family carers- who will have to live with the consequences, should there be subsequent closures and job losses. .

This analysis refers to the web-sites of both organisations- AED's

([www.wage.justice.org.au](http://www.wage.justice.org.au).) – and - [www.ourvoiceaustralia.org.au](http://www.ourvoiceaustralia.org.au)

AED run their separate [www.aed.org.au](http://www.aed.org.au) - but for purposes of this analysis we are using their wage justice site which is spear-heading their campaign. Our Voice Australia is now supporting the national “**Our Jobs Count**” Campaign to ensure our workers, their families and carers have public input





### WEBSITE LINKS

- [COLLABORATION](#)
- [RECOGNISE](#)
- [NDIS TOOLKIT](#)
- [SURVEYS & POLLS](#)
- [AROUND THE TRAPS \(State\)](#)
- [THE RIGHTS OF THE CHILD](#)
- [UNCRDP](#)
- [MEMBERSHIP](#)
- [ISSUES](#)
- [THE LOOP](#)
- [ADE ISSUES](#)
- [LEGISLATION](#)
- [SDA HOUSING](#)
- [MISSION & OBJECTIVES](#)
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## Welcome to Our Voice Australia

There are more than 700,000 Australians with intellectual disability or complex or associated needs and there are more than one million family members who support them. They have no funded systemic advocacy voice. For too long our family members have been ignored in social policy, simply tacked on as having the same needs as those who can self-advocate. Our Voice Australia has been formed to right this wrong.

We are run by the families of our members with an intellectual disability or complex needs. We operate as a systemic advocacy organisation to protect the rights of our members.

We need to have equal input into the service systems that affect our lives. These are not limited to;

National Disability Insurance Scheme design // Health Systems // Early Intervention // Education // Employment Options // Guardianship // Mental Health // Affordable Housing // and much more...

*Our Voice Australia operates as collaborative disability family advocacy. This means a partnership between family members with disability and the families who support them. [Read more...](#)*



Despite 2 decades of advocacy the group of vulnerable people represented by our organisation – and those before it (i.e. Carers Alliance and Australian Parent Advocacy Inc) – remain unfunded, but we continue to be challenged by funded advocacy groups with taxpayer funded resources. A sound knowledge of the history is essential to understanding the issues.

National Reports have endorsed the need for separate recognition of our constituency to ensure that families and carers have advocacy and input into policy formation. That is consistently denied by the Federal Government who have contended the existing funded bodies represent us. It is these very same “funded bodies” who continue to activate their taxpayer-funded “law-fare” to remove ADE’s from the sphere of supported employment because they contend that all people with a disability can work in open employment - *with the right support*. Consistently we have to defend that – at our own personal cost



## FAIR PAY FOR JOBS DONE

[www.wagejustice.org.au](http://www.wagejustice.org.au)

[Get Involved \(?page\\_id=235\)](#)

[Play Video](#)

"Wage Justice Australia was created to ensure all employees with disability are paid fairly for their work"

Kairsty Wilson, Principal Legal Practitioner AED Legal Centre

## WHAT WE DO



### Why we're here

People with disability have the right to be employed, to maintain a decent job and be paid fairly for the work they do.

Employment is an important source of fulfilment and social interaction. It gives people a meaningful way of participating in and contributing to their community.

There are over 20,000 employees with disability working in more than 300 Australian Disability Enterprises (ADEs) across Australia. The majority have experienced discrimination and they have been underpaid for many years because their wages have been determined using competency-based assessment tools.

### What are ADEs?

These are not-for-profit organisations that provide employment opportunities for people with disabilities. The Australian Government provides funding for each person the ADEs employ.



THE [www.wagejustice.org.au](http://www.wagejustice.org.au)

Web-site has a section called "Who we are" and then "about us". This is a matrix compiled from history and public documents confirming that funded advocacy in Australia is not representative of those with moderate to severe intellectual disability and complex needs.

Further the funded advocacy agencies – the "Who we are" of the web-site under analysis – is for people with a disability. Where that person with a disability is unable to self-advocate and lacks legal competency, their parent/family/carer is not allowed full membership rights – only "associate" membership rights –

which denies them a policy vote. Accordingly policy is formulated on the sole input of people with all types of disability accompanied by tokenistic input from those with mild intellectual disability.



The NCID was, originally, the Australian Association for the Mentally Retarded (1957). It originally had organisational representatives from each State as its Board. In 1991 the name was changed to the National Council on Intellectual Disability – and it became an advocacy organisation for people with intellectual disability. The nature of this disability creates unique needs, with an inability to self-advocate, a lack of legal capacity and a disability that is life-time and often requires life-time care and support. Parents and friends have always been an integral part of the

development of policies until the late 80's – early 90's .



Increasingly the NCID became unrepresentative of the needs espoused by families and people with severe to profound intellectual disability, especially in employment matters. In 2014 the NCID – with the same Board and staff representation, changed its name to Inclusion Australia. Intellectual disability disappeared from the formal name

Their position on ADE's is that:-

***Inclusion Australia does not wish ADE's to close. Where ADE's are viable businesses paying real wages they must be supported to continue to provide employment to people with intellectual disability. Where ADE's are not viable the Commonwealth Government must consider the option of those services becoming day services so they can continue to support people with disability*** (Real Businesses Pay Real Wages – Inclusion Australia media 21/8/14). This position is echoed by all the funded advocacy groups, who form part of the following matrices

Inclusion Australia still claims to be “*The national and leading voice on issues of importance for people with intellectual disability*”. They have never actively consulted with the ADE sector, their workers or their families -- so their claims to represent that sector are not evidence-based.



Their “We can Work” campaign presumes that “*people with intellectual disability have the capacity to work in the open workforce when provided with the right support*”

This is a presumptive generalisation that has been made with no consultation with the 20,000 workers in ADE's and/or their families in Australia.

Accordingly NCID/Inclusion Australia has, since 2004 been using taxpayer funded “law-fare” to force the imposition of the SWS wage tool on all ADE’s – with productivity as the only measure of eligibility and wage payment



**People with a Disability Australia** began, at national level, in the early 80’s as Disabled People International (Australia) – DPI(A) – representing all types of disability. In 1996 DPI(A) hosted the Fourth World Congress of Disabled People International in Sydney. It was a financial disaster and the organisation went into liquidation. It re-emerged some years later under its current name, was funded as a national peak body for advocacy – human rights (with the key emphasis on the latter) and remains so to-day. They have been at the fore-front of all the wage debate, for the past 10 years against our families and workers. They are funded for all this “law” fare – we are not, but our families and workers

have to have a voice – so we pay for it ourselves. –

C2003/2508, C2003/2845, C2003/2846, C2003/6230, C2003/6231, C2003/6232, C2003/6233, C2003/6318, C2003/6320, C2003/6321, C2003/6348, C2003/6455, C2003/6456, C2003/64557, C2003/6458, C2003/6527, C2003/6563, C2003/6570, C2003/6741, C2003/6742

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

Level 42 / Nauru House  
80 Collins Street  
MELBOURNE VIC 3000

*Workplace Relations Act 1996*

**TITLE OF MATTER**

**SUBMISSION TO THE 2004 LIVING WAGE CASE**

*Filed by:*

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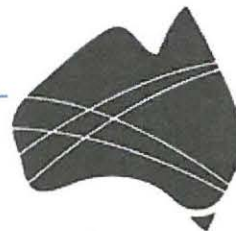
*and*

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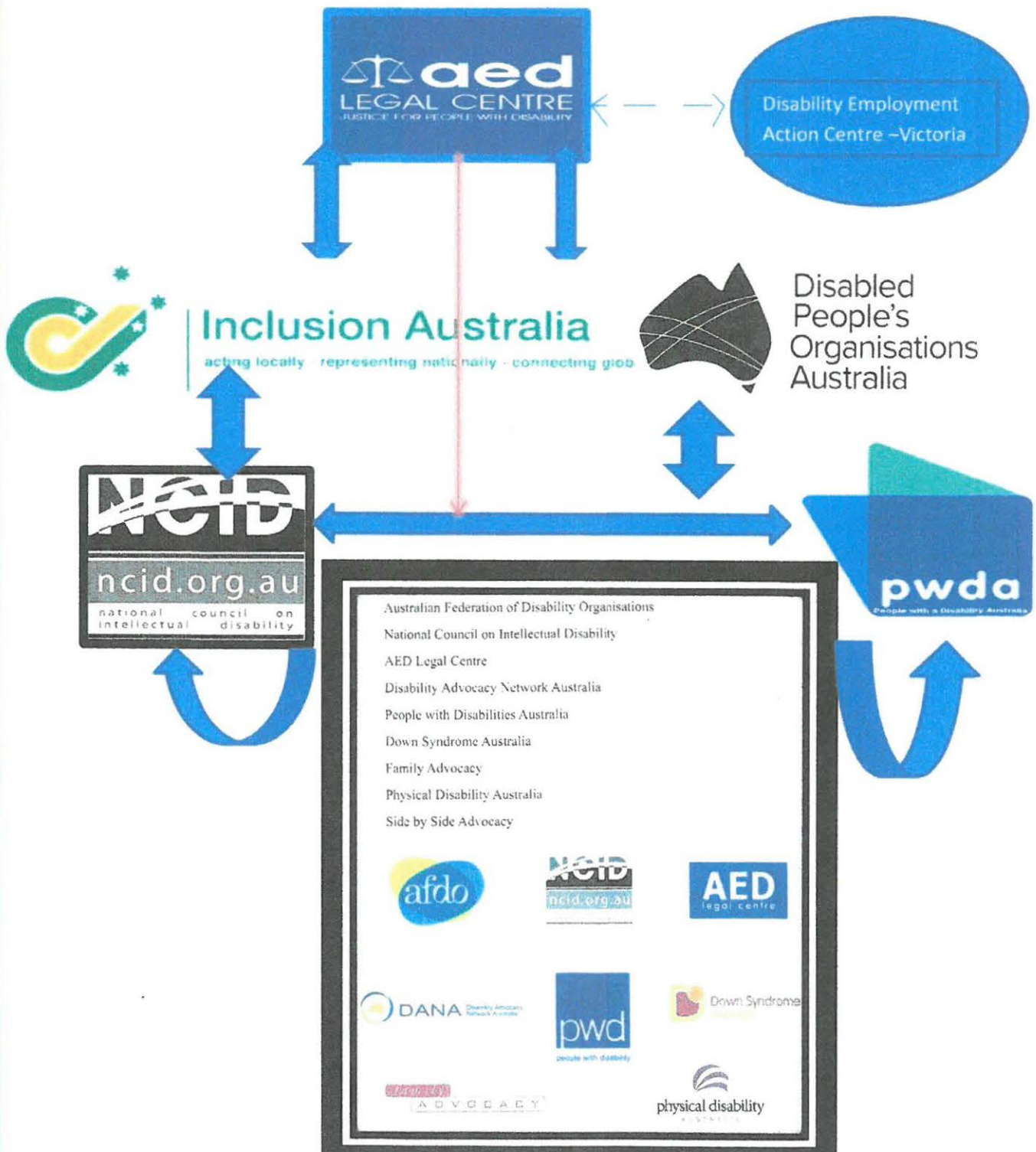
Disabled  
People's  
Organisations  
Australia

From that background we continue with our analysis of AED's [www.wagejustice.org.au](http://www.wagejustice.org.au)

The following history is an essential part of understanding why – and how – people with moderate to severe intellectual disability and complex needs have been deliberately disenfranchised and dis-empowered- by a combination of Federal and State Government policy and advocacy organisations, based solely on human rights – and funded as such - under the National Advocacy Program/s (NDAP) since the early 1990's.

THE [www.wagejustice.org.au](http://www.wagejustice.org.au) website has a section called "Who we are" and then "about us". This is a matrix compiled from history and public documents confirming that funded advocacy in Australia is not representative of those with moderate to severe intellectual disability and complex needs.

Further the funded advocacy agencies – the "Who we are" of the web-site under analysis – is for people with a disability. Where that person with a disability is unable to self-advocate and lacks legal competency, their parent/family/carer is not allowed full membership rights – only "associate" membership rights – which denies them a policy vote. Accordingly policy is formulated on the sole input of people with all types of disability accompanied by tokenistic input from those with mild intellectual disability.



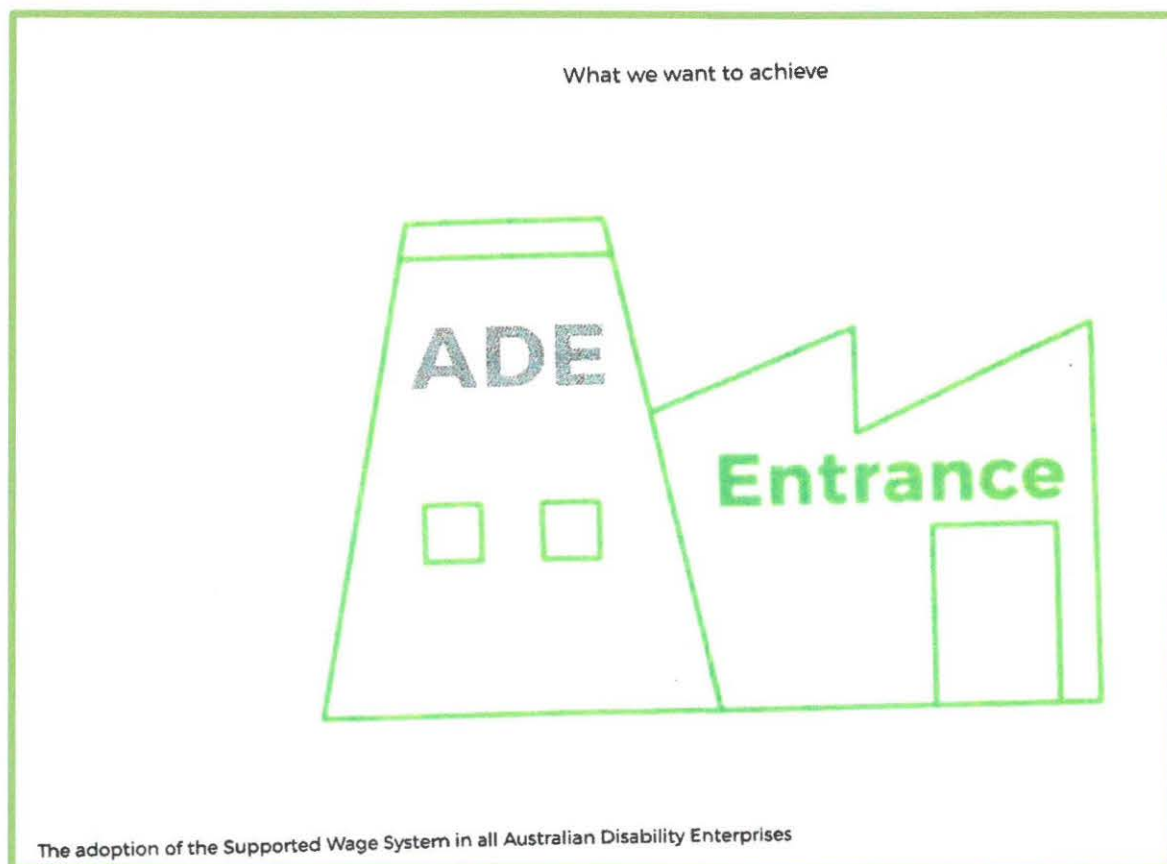
The History of Advocacy in Australia – since the first workshop in Sydney back in 1995 has been a case of **EVOLVE**- then **REVOLVE**- and much of it has been incestuous. That has guaranteed retention of the ideology and purist human rights focus.

AED Legal is a funded advocacy organisation that has led the legal campaigns (firstly as the Disability Employment Action Centre –DEAC – prior 2004) and in later years as the Association of Employees with Disability Inc t/a AED Legal Centre on behalf of Inclusion Australia (prior to 2014 the National Council of Intellectual Disability) and Disabled People Organisation of Australia (previously Disabled People International) – DPI(A).

Never have any of these organisations consulted with, liaised with – or advocated for – our families – or our disabled family members. Their actions have been designed to achieve their vision of human rights and no contact, on issues where our family members choose to work in supported employment, has ever been made to the Peak Body for National Disability Services – or individual family groups like Australian Parent Advocacy, Carers Alliance and now Our Voice Australia

The AED wage justice Facebook page presents a very narrow view of the overall income for our family members working in ADE's. When their employment income is added to their Disability Support Pension and then topped up with other transport and health concessions (extrapolated out, in dollar terms) many earn above - or close to - the minimum wage. Their ADE jobs are more than a job – it is their LIFE

We have interpreted the public information from [www.wagejustice.org.au](http://www.wagejustice.org.au) as follows:-




The legislatively approved wage tools currently have a mixture of both skills and productivity – much the same as in any other business. The funded advocates argue that the SWS – which is productivity based only – is used successfully in open employment – and that's what should be used in the ADE's. Our concern is that, based on valid commercial projections this could make the ADE sector unviable. The joint advocacy positions are that if an ADE is not viable they should be closed and the workers re-directed to day services – if they can get them. ADE's are viewed by these advocates as segregated employment – not supported employment. Their wage justice data states

there are 20,000 ADE workers, in 300 ADE's and "24 of those use the SWS, with no evidence that any of them are unviable" We are aware, from family members, that one such organisation was forced to close down, with some workers obtaining employment in another ADE and others accessing day services- where they could. Unemployment and under-employment in Australia is a real problem – and none of those unemployed are disabled.

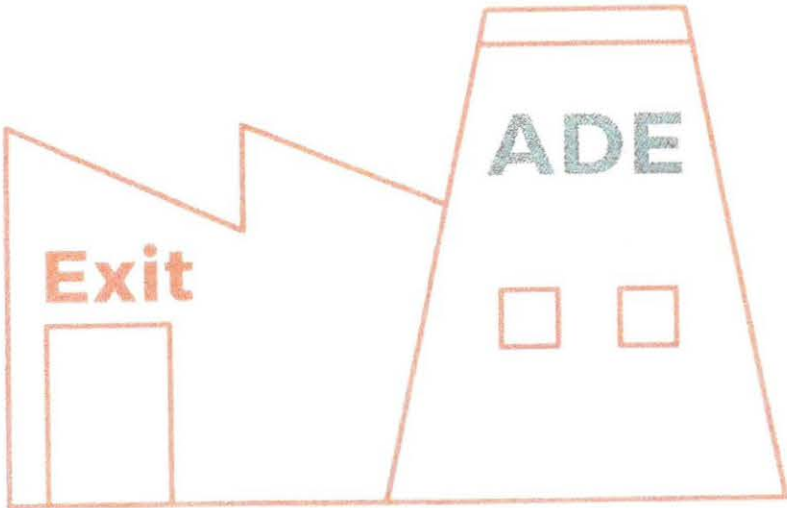
What we want to achieve

**ADE's are not supported employment - they are segregated employment - Funded advocacy want them closed to business**



The diagram shows a stylized building with a green outline. The left side of the building is a trapezoid with the letters 'ADE' in blue. Below 'ADE' are two small green squares. The right side of the building is a rectangle with a jagged top edge, labeled 'Entrance' in green. A door is located on the right side of this section, with the word 'closed' written in black below it.

The adoption of the Supported Wage System in all Australian Disability Enterprises



The diagram shows a stylized building with a red outline. The left side of the building is a trapezoid with the word 'Exit' in red. Below 'Exit' is a red rectangular door. The right side of the building is a trapezoid with the letters 'ADE' in blue. Below 'ADE' are two small red squares.

Removal of all competency-based wage assessment tools in Australian Disability Enterprises

The SWS tool – in trials of a modified version to address its inbuilt flaws in group and production line projects – confirmed that about 30% of those workers involved in those trials could not be more productive – no matter how much extra support they were personally given. That is relevant to the realities, in business, of dealing with productive capacity and productive output in factory environments with group settings and production line processes.

Using a wage tool based on productivity, and not acknowledging individual skills, will lead to personal percentile capability being the only criterion for eligible entry into an ADE. This is in direct contradiction of economic participation as a key goal of the NDIS (*National Disability Insurance Scheme*).



The next element of their public argument for wage justice is that the Federal Government has set aside additional funds (\$173m) to ensure the continued viability of ADE's. What the AED information does not state is that these funds are available on a diminishing threshold scale

**Year 1 - 100%**

**Year 2 - 75%**

**Year 3 - 50%**

**After Year 3 it is Nil. The Departmental restructure and responsibility will then rest with the NDIS. This commitment acknowledges the increased cost – which no one is denying – but provides no security into the future. Any business which provided this type of projection into their 5 year plans would be in breach of corporations law. Adoption of increased costs – with an assumption that the increased wages would provide additional income to cover that extra cost - would be considered commercially irresponsible. .**



The final goal (assumption) is that forcing ADE's to use only the SWS productivity based tool will "enable people with disability to successfully work in open employment"



This assumption is seriously flawed. It states "people with disability", but the majority of our workers in ADE's have an intellectual or multiple disability/ies. This type of disability is harder to accommodate in an "open" employment setting.

The national experience with open employment has been that between 70-80% of workers who transition through their ADE into open employment return to their ADE within 12-18 months. There are various reasons.

- Reduced hours
- Non inclusive social participation in the broader work/social environment (ie sport, clubbing, work functions)
- Loss of social outcomes because of their separation from their social peers and broader lifestyle
- Lack of any career path
- From being a "big fish in a little pool" they become a "little fish in a big pool" – and lose the work esteem and position status they have acquired in their ADE over the previous years.
- Lack of ongoing "on the job" support
- Worsening health outcomes – i.e. depression and anxiety

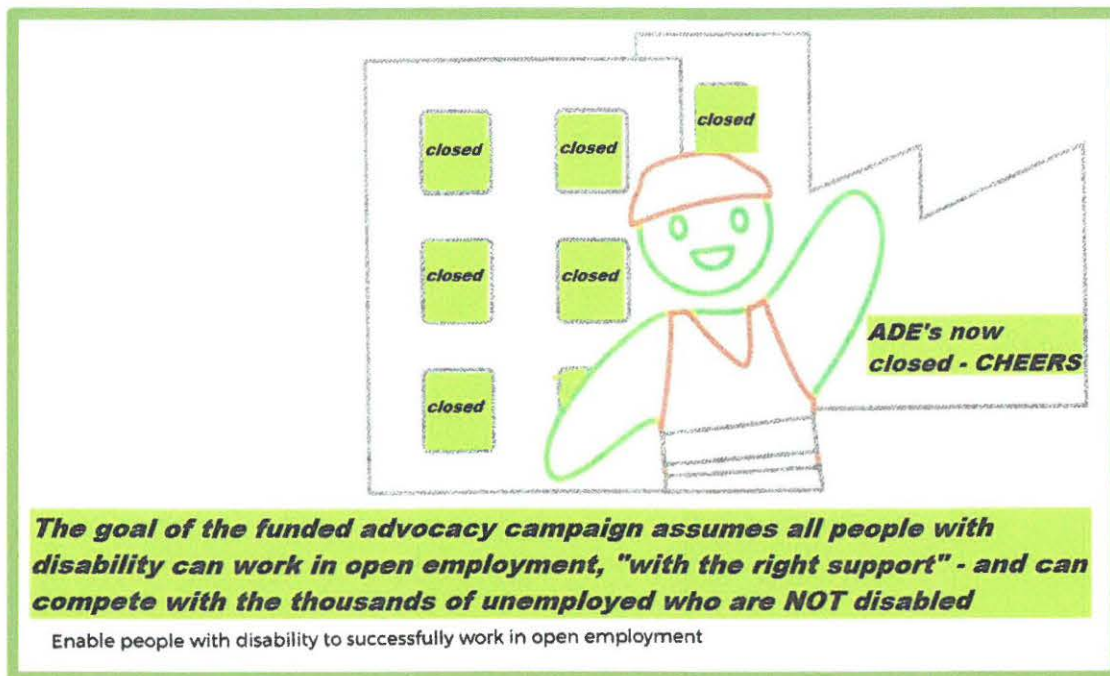
The ready availability of "open" employment jobs for people with intellectual and significant disability- is an unfounded assumption that is far removed from economic reality. There are many areas in Australia where "dole recipients" number thousands (refer attached). These welfare recipients are not disabled. AED's wage justice campaign assumes that, in these times of high unemployment and under-employment, obtaining – and keeping – a job in open employment will be an achievable goal.

Current workers in ADE's are not forced to work there. They choose to work there – for many reasons. **We believe that morally, ethically and as a principle of justice, employees with a disability should not have their human right of choice** forcefully removed from them in a campaign where their opinions have never be sourced, their families

have never been consulted and their wishes are not represented by those with whom they have never had any contact.

Consequently we believe that AED's wage justice campaign demonstrates, very effectively, the disenfranchisement and dis-empowering of some of Australia's most vulnerable citizens – and their family carers – in ideological "law"-fare that is funded by taxpayer dollars – to the disenfranchisement of those workers, their families and carers.

This gross injustice has already been played out before the Australian Human Rights Commission (AHRC), the Australian Industrial Relations Court, (AIRC), the Fair Work Commission (FWC) and the Administrative Appeals Tribunal (AAT) over the past 13 years, with more expense for families, and service providers still to come in the next 6 months.



This analysis has been prepared by Mary Walsh – Regional Co-ordinator of Our Voice Australia – and Representative before Fair Work Australia in the forthcoming matters before the FWC and the AAT.

It demonstrates how Federally funded advocacy – because there is no separate recognition of the role of families providing the life-time care and support for family members with moderate to severe intellectual disability and complex needs – has disempowered our most vulnerable citizens. That will continue – as it has done for the past 20 years – until our families have input, on equal status, with other advocacy organisations. It is an injustice that we, who provide the life-time care are denied advocacy by those funded to represent us because we, as family do NOT have a disability, have no formal membership rights as members of these organisations and our family members often cannot self-advocate and lack legal status because of the nature of their disability.

**BREAKING NEWS**

NEWS

# Welcome to Bundaberg, Australia's dole capital

 Carolyne Booth | 27th Apr 2017 5:00 AM



Bundaberg is the country's dole capital.

Mike Knott BUN101214CENTRE1

IT'S an unenviable title, but Bundaberg can lay claim to being the dole capital of Australia, with more residents living on the unemployment benefit than anywhere else in the country.

That's not per capita or an average, that's 4465 people receiving the Newstart Allowance that live in the 4670 postcode - the largest number for any Australian postcode area.

The December quarter figures from the Department of Social Services show Bundaberg tops the list, followed by Cairns (postcode 4870) with 4353 people, and Sydney's Liverpool area (postcode 2170) third with 4260 people on the dole.



ADVERTISEMENT


**This is an unenviable national title - but it's a reality, sadly. Additionally, we are among the 3 centres who have Australia's highest DSP recipients - and the highest aged pensions. The 4465 people unemployed are NOT disabled PWD argue for only open employment but the jobs aren't there.**

This National "Title" is followed by another unenviable statistic. But these are the facts. While this region might be the "leader" it is not unique. It is but a replica of other situations all round Australia – especially in the more vulnerable socio-economic regions that have borne the brunt of the nation’s economic downturn, in the manufacturing, resources, mining and energy sectors. AED argue on a position of "people with a disability". They are a Victorian organisation that has failed to consult in a national capacity on a national issue which could mean massive job losses. The entire [www.wagejustice.org.au](http://www.wagejustice.org.au) campaign is a breach of human rights. It is unrepresentative, unjust and inaccurate.

# Cashless welfare cards rolled out in Bundaberg and Hervey Bay

Anthony Galloway, Daniel Knowles, The Courier-Mail

September 21, 2017 12:00am

 Subscriber only



- [‘Dole bludger’ stereotype busted](#)
- [Welfare by the numbers](#)
- [It’s time for drug testing](#)

A CASHLESS welfare card will be rolled out in Bundaberg and Hervey Bay to stop addicts spending taxpayer cash on drugs, alcohol and gambling.

Aimed at combating rising levels of crime, youth unemployment and ice use, it will be the first time the cashless debit card is used in major urban areas.

Federal Human Services Minister Alan Tudge will today travel to the Hinkler federal electorate – north of Brisbane – to announce the region as the next rollout site for the card.

The move comes after *The Courier-Mail* revealed Bundaberg was the welfare capital of Australia, with 4465 people taking unemployment benefits, despite the relatively high number of entry-level jobs on offer.

Just this week, 387 positions were advertised on the local Jobactive website, while thousands backpackers work in the area every week.

Mr Tudge said the region was chosen due to high youth unemployment, intergenerational welfare dependence and the high use of alcohol, drugs and gambling.

“Of course, welfare is not provided to support a drug, alcohol or gambling habit,” Mr Tudge said.

“It is there to pay for the basics for when people are in need. Unfortunately, welfare dollars are too often wasted on the pokies or booze.

“Importantly, we also hope the card will provide an added incentive for young people to work.”



# Inclusion Australia

acting locally - representing nationally - connecting globally

## About Inclusion Australia (NCID)

**Inclusion Australia is the national and leading voice on issues of importance to people with intellectual disability in Australia.** Inclusion Australia brings together Members from across Australia, all of who are connected locally to people with intellectual disability and who are committed to the vision of inclusion. Formerly known as the National Council on Intellectual Disability – Inclusion Australia’s strength comes from its Members diversity, experience and expertise on intellectual disability. Inclusion Australia is also guided by the Our Voice Committee whose Membership is solely people with intellectual disability. Inclusion Australia and its Members have considerable diversity in ways of working. Inclusion Australia works at all levels of the community, local, state, national and beyond to raise expectations, recognise potential and value people with intellectual disability.

Inclusion Australia Members have significant local networks and direct connection to people with intellectual disabilities, their families, service providers, and other individuals and organisations who share in our vision.

Collectively Inclusion Australia works at a national level, providing policy expertise and advice to drive systemic change.

Inclusion Australia has extensive resources, information and knowledge, freely shared amongst all Members so that all people with intellectual disability can directly benefit from this collective and unique asset.

Inclusion Australia supports Inclusion International, the international network that represents people with intellectual disabilities and their families. Inclusion International provides many opportunities to collaborate and share information internationally. ([www.inclusioninternational.org](http://www.inclusioninternational.org) (<http://www.inclusioninternational.org>))

Contact (<http://ncid.org.au/contacts-2/>) Inclusion Australia

Complaints Management (<http://ncid.org.au/wp-content/uploads/2014/08/Complaints-Management.pdf>) policy and procedure



**Real Businesses  
Pay Real Wages.**

**Minister Fifield  
must reward  
genuine effort not  
failure.**

The announcement by Minister Fifield of an additional \$173 million to support employees get fair wages in Australian Disability Enterprises (ADEs) is welcomed as a step forward by Inclusion Australia.

The announcement, however, does not resolve serious concerns about the treatment of employees with intellectual disability, nor the ongoing viability of ADEs.

### **We already have a productivity based wage assessment**

The announcement fails to recognise that a fair productivity based award wage tool already exists – i.e. Supported Wage System (SWS).

The SWS is recognised by the industrial relations system; the Australian Human Rights Commission, the High and Federal Courts, people with disability and their representative organisations.

The only group to refuse to acknowledge the SWS has been National Disability Services (NDS) representing ADEs. A refusal without valid reason.

The question must be asked; why is Minister Fifield supporting the position of NDS when the evidence and support for the SWS is substantial? When is the Minister going to stand up for people with disabilities and not service providers with a history of discriminating against people with disabilities?

### **Our support for funding assistance is based on implementing the SWS**

Inclusion Australia has repeatedly recognised that fair wages determined by SWS would increase wage costs for ADEs, and that the Commonwealth should provide temporary funding to assist ADEs make the transition.

It is concerning however that the Minister has agreed to pay this cost without requiring that wages are determined by the SWS.

The “future” productivity wage assessment tool being proposed is “unknown”. The refusal to accept the SWS opens the door for ADEs to argue for a wage assessment tool that once again unfairly discounts award wages. A risk which is not necessary.

### **Where is the funding for transition to work and open employment support services?**

The Minister in the Australian (21/8/14) says that the government *is committed to finding ways to increase employment opportunities for people with disability in the open workforce.*

*#173m is Time Limited  
100% - 1st 12 months  
75% - 2nd yr  
50% - 3rd yr.  
4th yr - 25%*

## ***A response to Minister Mitch Fifield***

Minister Fifield said in his article, *Idealism threatens jobs for the disabled*, that “accusations that ADEs exploit people with disability is unfair”.

The Federal and High Courts of Australia ruled that 10,000 employees with intellectual disability were disadvantaged by the use of the Business Services Wage Assessment Tool (BSWAT). What is unfair is the Commonwealth’s refusal to accept responsibility for this unfairness and pay fair compensation.

- **There are some ADEs that do pay employees with intellectual disability fair wages based on the Supported Wages System (SWS), and are not exploiting people with disability.**
- There are employers in the open labour market that employ people with intellectual disability and pay full award wages or wages based on the SWS.
- Fair wages for people with intellectual disability is a right and a reality. Disability discrimination is unlawful.
- If some ADEs can pay fair wages based on the SWS and be viable, why can not all ADEs pay fair wages?
- What is it about the ‘business structure’ of ADEs that they are unable or unwilling to pay fair wages?
- If there are ADEs paying employees a fair wage using the SWS, why is there a need to develop a new system?

These are the questions that Minister Fifield fails to address in his article.

The application to the AHRC for an exemption to continue to use the unlawful BSWAT was made by the Commonwealth. The Commonwealth held consultations with people with disabilities, ADEs, and the advocacy sector. The AHRC also provided several months for people to provide submissions.

When the Australian Human Rights Commission asked for evidence that its decision would make ADEs unviable the AHRC reported that the evidence provided was limited and anecdotal. They made a reasonable determination that the Commonwealth and ADEs should change within a year.

Minister Andrews says that people with disability with capacity should work and reduce their dependence on the Disability Support Pension (DSP). Yet Minister Fifield says that we should see the pension as compensation for work. Does this mean that the Minister is promoting ADEs as a “work for the pension” scheme? Is not dignity in work all about being paid fairly for work done? How can work be dignified if you are being discriminated?

There are people with disability in ADEs getting real wages, getting a reduced DSP, paying tax and accruing superannuation.

There are people with significant intellectual disability working in open employment on real wages, getting a reduced DSP, paying tax and accruing superannuation.

Minister Fifield, not for the first time states, “there will always be some people with disability who won’t be able to participate in the open workforce”, and yet he also states, “we must stop limiting people by placing low expectations on them”.

The evidence is very clear that people with significant disability intellectual disability can work in jobs that pay real wages. Statements that place low expectations on the work outcomes for people with intellectual disability are discriminatory and at odds with the aims of Government policy and the NDIS.

The Coalition Government's "commitment to increasing employment for people with disability in the open workforce" is fine rhetoric but where is the action? Inclusion Australia has set out a detailed submission to the Commonwealth government, based on current Australian best practice, on how to build such a system of support. We know what helps to get people with significant disability into the open workforce. Why is the Commonwealth not contracting for best practice?

Inclusion Australia wants the discrimination to stop (we do not want ADEs to close). We have a fair wage assessment tool in the SWS. We have also proposed that the Commonwealth fund ADEs to assist in making the transition to fair award wages using the SWS. Where transformation is not possible Minister Fifield must support ADEs to become community participation programs and work with real businesses to ensure that individuals with significant disability have real employment support options in the future.

Mark Pattison

Executive Director, Inclusion Australia

[mark.pattison@inclusionaustralia.org.au](mailto:mark.pattison@inclusionaustralia.org.au)

0407 406 647

## Related

[Did you know ...](#)  
(<http://ncid.org.au/blog/107/>)  
July 31, 2014  
In "BSWAT"

[From School to Work - a proposal for students with significant disability](#)  
(<http://ncid.org.au/blog/from-school-to-work-a-proposal-for-students-with-significant-disability/>)  
June 29, 2014  
In "Employment"

[Inclusion Australia responds to DSP Changes](#)  
(<http://ncid.org.au/blog/inclusion-australia-responds-to-dsp-changes/>)  
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# This year's theme

Each year the [UN announces a theme](#) to observe for International Day of People with Disability. The annual theme provides an overarching focus on how society can strive for inclusivity through the removal of physical, technological and attitudinal barriers for people with disability. This has been occurring since 1992 when the General Assembly proclaimed 3 December as the International Day of Disabled Persons.

The theme for 2017 International Day of People with Disability is "Transformation towards sustainable and resilient society for all". The overarching principle of this theme is to 'leave no one behind' and empowers people with disability to be active contributors of society. It is based on transformative changes envisaged in the [2030 agenda for Sustainable Development \[PDF 6.4 MB\]](#).

This global framework aims to strengthen the resilience of people with disability by providing full access to justice, health care services, infrastructure and accessible communities. It focuses on inclusive education, lifelong learning, and sustainable economic growth through employment.

In Australia, the [National Disability Strategy 2010–2020](#) commits all governments to a nationwide approach aimed at improving the lives of people with disability, their families and carers. The Strategy's ten-year national framework for reform focuses on better inclusion for people with disability and seeks to create a society that enables people with disability to fulfil their potential as equal citizens.

Today, countries all around the world celebrate the day.

## UN Themes for previous years

- 2016 – [Achieving 17 Goals for the Future We Want](#)
- 2015 – [Inclusion matters: access and empowerment for people of all abilities](#)
- 2014 – [Sustainable development: the promise of technology](#)
- 2013 – [Break barriers and open doors to realise an inclusive society for all](#)
- 2012 – [Removing barriers to create an inclusive and accessible society for all](#)
- 2011 – [Together for a better world for all: Including persons with disabilities in development](#)
- 2010 – [Keeping the promise: Mainstreaming disability in the Millennium Development Goals towards 2015 and beyond](#)
- 2009 – [Making the MDGs Inclusive: Empowerment of persons with disabilities and their communities around the world](#)
- 2008 – [Convention on the Rights of Persons with Disabilities: Dignity and justice for all of us](#)
- 2007 – [Decent work for persons with disabilities](#)
- 2006 – [E-Accessibility](#)
- 2005 – [Rights of Persons with Disabilities: Action in Development](#)
- 2004 – [Nothing about Us without Us](#)
- 2003 – [A voice of our own](#)
- 2002 – [Independent Living and Sustainable Livelihoods](#)
- 2001 – [Full participation and equality: The call for new approaches to assess progress and evaluate outcome](#)
- 1999 – [Making information technologies work for all](#)
- 1998 – [Accessibility for all for the new Millennium](#)
- 1997 – [Arts, Culture and Independent Living](#)


**Real Businesses Pay Real Wages. NCID's Response to Govt's**  
**Minister Fifield must reward genuine effort not failure. \$173m transition**  
**for new wages tool**

The announcement by Minister Fifield of an additional \$173 million to support employees get fair wages in Australian Disability Enterprises (ADEs) is welcomed as a step forward by Inclusion Australia.

The announcement, however, does not resolve serious concerns about the treatment of employees with intellectual disability, nor the ongoing viability of ADEs.

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The question must be asked; why is Minister Fifield supporting the position of NDS when the evidence and support for the SWS is substantial? When is the Minister going to stand up for people with disabilities and not service providers with a history of discriminating against people with disabilities?

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**Where is the funding for transition to work and open employment support services?**

The Minister in the Australian (21/8/14) says that the government *is committed to finding ways to increase employment opportunities for people with disability in the open workforce.*

Where is the funding to support this commitment. There are thousands of young people with intellectual disability that can, with the right support, move from school to the open labour market. But specialist transition-to-work and open employment support is severely limited.

Inclusion Australia has proposed, based on current Australian best practise) the development of a national system of transition to work and open employment support for people with significant intellectual disability. What is needed is a funding commitment to make this happen.

### **The Minister must not reward failure or incompetence**

*The Minister must address the genuine efforts being made by ADEs under the '10 Year Vision for Supported Employment'. ADEs that pay their employees using SWS must not be disadvantaged for doing the right thing.*

For decades the Australian government has attempted to make a number of ADEs businesses by 'throwing money' at them. Today's funding announcement must not be another exercise of propping up unviable businesses.

Inclusion Australia does not wish ADEs to close. Where ADEs are viable businesses paying real wages they must be supported to continue to provide employment to people with intellectual disability. Where ADEs are not viable the Commonwealth government must consider the option of those services becoming day services so that they can continue to support people with disability.

*The Australian government's '10 Year Vision for Supported Employment' is now in its 3rd year. Inclusion Australia calls on Minister Fifield to release a progress report to demonstrate that this new funding will build on progress.*

### **Related**

[Real Businesses Pay Real](#)

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[\(http://ncid.org.au/blog/parliament-human-rights-committee-considers-bswat-bill/\)](http://ncid.org.au/blog/parliament-human-rights-committee-considers-bswat-bill/)

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5 February, 2018

Provided to the Fair Work Commission – Modern Review of the SESA 2010-AM2014/286 (AM2013/30) – Hearings held at the Fair Work Commission in Sydney 5 February, 2018 to support our family members and their disabled family member employees in Australian Disability Enterprises (ADE's) throughout the nation.

This document contains 6 excerpts from the formal submission provided by Australian Parent Advocacy Inc (APA) to the Australian Industrial Relations Commission on the 2003 "Safety-Net" Wage Hearings for People with a Disability employed in Australia's Business Services. Australian Parent Advocacy is the precursor to Our Voice Australia. We remain an unresourced, self-funded advocacy organisation now – as we were then, even though our family members have moderate to severe intellectual disability, cannot self-advocate, have limited legal capacity and complex needs.

The original submission was specifically prepared by APA for the Australian Industrial Relations Commission (now the Fair Work Commission) which was then responding to the intervention by the National Council on Intellectual Disability (now Inclusion Australia- Paul Cain ) and the Disability Employment Action Centre (now AED Legal Centre – Ms. Kairsty Wilson) into the Safety Net Award Hearings in March, 2003.

In the intervening 15 years Mr Cain and Ms Wilson – from their various funded advocacy and rights perspectives, have used the industrial processes to attempt, yet again, to mandate the Supported Wage System – a wage assessment tool designed for open (not supported) employment – into the Supported Employment System Award as the only legislatively approved wage assessment tool for ADE's. This recent attempt is based solely on rights – and not outcomes. There has been NO consultation with the on-site workers, their Peak Bodies – or we – their families and carers who are also key stakeholders in this issue. We were never consulted back in 2003 – and nothing has changed in the interim.

Provided by Our Voice Australia on behalf of our ADE employees – their families and carers by  
Mary Walsh OAM, CPA, AIFS JP(Qual)  
Regional Representative – Our Voice Australia Inc.



SUBMISSION

to

*Australian Industrial Relations Commission*

on

*"SAFETY-NET" WAGE HEARINGS FOR PEOPLE  
WITH A DISABILITY EMPLOYED IN  
AUSTRALIA'S BUSINESS SERVICES.*

*Prepared by*

**Mary Walsh ASA, AIFS**

**National President**

**Australian Parent Advocacy Inc.**

**On behalf of Families of Family members with an Intellectual  
disability attending Business Services**



## SYNOPSIS:

This submission presents historical and current issues in relation to services for people with an intellectual disability – from a national perspective.

It has been specifically prepared for the Australian Industrial Relations Commission, (AIRC), who are currently responding to the intervention by the National Council on Intellectual Disability (henceforth referred to as NCID), and the Disability Employment Action Centre (henceforth referred to as DEAC) into the Safety Net Award Hearings in March, 2003.

Whilst the issue before the AIRC is that of wages and the Supported Wage System, Australian Parent Advocacy Inc. (henceforth referred to as APA) contends that the issue of wages – and a system that provides equity for workers – should not be heard in isolation from the many factors that influence business services (previously known as sheltered workshops), their workers – or their families.

Families are key players in the industrial issue, which could, unless great care, vision and consultation is part of the process, cause the closure of services which are vital to the dignity, self respect and social life of our family members

Furthermore, it is a matter of statistical fact that the majority of workers in these services are those with an intellectual disability or, in more legalistic terms - "*a decision-making disability*".

This submission, therefore, presents a family perspective, because families still provide most of the support systems for their family member with intellectual disability.

# 'Slave' claim hits sheltered workshop

Erin O'Dwyer

SHELTERED workshops have been accused of using intellectually disabled people for slave labour.

The National Council on Intellectual Disability has complained to the Human Rights and Equal Opportunity Commission that the Commonwealth was in a "conspiracy" with sheltered workshops, including those operated by the Endeavour Foundation in Queensland.

NCID senior policy office Paul

Cain said the peak body had evidence that workers were being paid less than \$70 a week, were subject to sexual and physical abuse, and were being coerced into signing unfair workplace agreements.

The complaint, filed in September, would threaten to close sheltered workshops across Australia if it proceeded past conciliation to the Federal Court.

"The Commonwealth is breaching the law by providing funding to employers to support people with an intellectual disability who they know they exploit," Mr Cain said.

The Federal Government

spends \$11 million on supporting about 14,000 intellectually disabled workers in more than 400 sheltered workshops across Australia. Most workers are paid less than \$80 a week. Some workers are not paid and some pay to attend.

Queensland's Endeavour Foundation chief executive Gerard Menses yesterday questioned the timing of the complaint, saying it came as recommendations from a federal review were being implemented to improve workplaces and introduce wage checks and balances.

But he defended Endeavour's commitment to workers' rights,

saying there were moves to increase wages and decrease pension payments.

"We disagree with the term 'slave labour' because you have to look at the purpose of the service, the productivity of many of the people and the total package of benefits and support that the organisation provides," Mr Menses said.

"We as an organisation do not financially profit from this service and indeed if we did we would plough that profit back to the workers."

"But I can understand NCID's

position as some services providers have embraced modern practices.

But Mr Cain said view failed to address

"We're starting but not because the Commonwealth rights of disabled we're starting to u law," he said.

**"As recent tragic events focus our attention overseas, Australians seem blind to the crisis slowly engulfing local charity organizations, as hard economic times cause funding dollars to simply evaporate...Everywhere in Charity Inc, Australia, the story is the same."**

*Business Section, Page 25; December 2001- "Rescue Remedies - Charities all at sea" - Lead article CPA Australia - the Professional Magazine for the Australian Society of Certified Practising Accountants".*

## The Workshop - Historical overview - A Parent Perspective

Workshops were established (mostly by families) as integral parts of Australian communities, to provide both social and employment training for people with intellectual disability. They were largely funded by community organizations and there is a large sense of community ownership, even to this day. Communities differ right across Australia, and are influenced by local as well as national and international impacts. No business service is the same as another- because of those local influences and the varying support needs of the attendees.

The Disability Services Act, 1986 was the result of a combined Government, community and family effort to recognise the needs of people with a disability and work towards integration and inclusion. The legislation was non-partisan, and set a 5 year transition period from 1987-1992 to achieve most of its goals. Business services (previously sheltered workshops) faced more barriers than other services because of their direct competition with local private enterprise. The National Technical Assistance Unit, at great taxpayer cost, was set up by the Federal Government in 1991 when the 5 year goal for workshops was incapable of achievement. Following intensive national consultations, under the auspices of the Mt. Eliza Institute, it was disbanded. It is a matter of public record that survival of this type of service relied on the factory/small business model - and this will never produce anything much more than smaller and more efficient sheltered workshops (04/02/94). Many professional advocates just don't want workshops, and families have never had a voice.

Workshops are institutions according to professional advocates and social engineers. The issue is where, and if, workshops fit in a range of services for people with intellectual disability. This disability type is always going to be the most difficult to integrate- depending on their support needs, which equate to big \$'s

A goal of closing workshops within 5 years was as impractical in 1987 as it is to-day. It didn't work then - it won't work now - despite all of our best intentions. Most employers are charities, and local families and communities still fund-raise to help their local workshop.

We need to acknowledge the progress that has been made, accept that there is still a long way to go, ensure legislation is relevant to ALL Australians - not just those in metropolitan areas. If Government determines there is a place for this option (Many consumers and families are adamant there is), then any legislation should ensure they don't raise the bar so high with unrecoverable costs that the service is bankrupt - with or without Government subsidies. Families support the goals, but we live with the realities - and it's pretty tough out there in the real world. Perhaps the attached public comments might be helpful in your deliberations.

**Workshops are "Ghettos in need of a wake-up call"**

*Ms. Niki Sheldon (National Caucus)  
"The Melbourne Times 08/08/01"*

## Australia's top 10 charities their budgets

- Australian Red Cross Society \$176.4 million
- Salvation Army Southern Cross \$129.1 million
- Salvation Army Eastern Cross \$126.4 million
- World Vision of Australia \$88.5 million
- Wesley Mission of Australia \$60.3 million
- Silver Chain Nursing Association \$50.6 million
- CARE Australia \$43.8 million
- Anglican Retirement Villages \$42.8 million
- Endeavour Foundation \$42.3 million
- Royal District Nursing Service \$42.3 million

SOURCE: Industry Commission  
Charitable Organisations in Australia  
1993-94

*"Exclusion, still a driving assumption, our human service, including that of sheltered workshops (business services) The continuation of such a service is evidence of entrenched negative values towards people with disability in our community and human service industry"  
Page 14 of 31 National Caucus (Appendices)*

between appropriate Commonwealth, State and Territory planning authorities and committees and advocacy groups.

APPENDIX

10/2

### Family Issues

Family issues were the subject of much debate both in the public meetings and in written submissions. A number of respondents agreed that there is a role for advocacy services to support families and carers wishing to act as advocates on behalf of family members. A number of written submissions highlighted the importance of the family but acknowledged that the needs of the person with a disability are paramount. At the same time, it was acknowledged that families exist in a diverse range of households and relationships and the circumstances of each person with a disability needs to be considered individually.

Participants at one of the public meetings highlighted the importance of advocates recognising the role of the family in supplying ongoing support and the need for advocates to address the differences in the expectations between clients and their families.

The discussion on the role of families was broadened by some respondents into consideration of how advocacy organisations operate in general. While some funded services advised that they worked with a client regardless of the issue, others were quite clear that they worked in accordance with a set of principles which might result in a client with a different perspective being turned away. One organisation expressed it in the following way: "Each advocacy organisation must choose who it is going to advocate for and with, and really have sincere and genuine reference to those people".

The conclusion reached by the Steering Committee is that, in the past, organisations which have been funded to provide advocacy have carried out their role in accordance with their own operating philosophies. They have not necessarily seen themselves as working within a framework of Government funded services which together contribute to supporting people with disabilities and their families. The Steering Committee recognised that people with disabilities are the primary focus of the program, however, it was noted by the Committee that despite the Government's emphasis on the important role of families, there was no significant representation of the views of families of members with disabilities at the national level.

The Commonwealth provides funding for a number of national disability bodies whose role includes providing national systemic advocacy and promoting and protecting the interests of people with disabilities throughout the community. They also play a role in providing input to Government policy on behalf of their constituencies. These activities continue to be important given the Government's focus on the role of families and the relationships between people with disabilities and their families. The Committee supports the establishment of a national peak organisation which concentrated on the impact of disability on the family unit.

Such a body would represent families and carers of people with disabilities. This body would play a central part in promoting the role families play in supporting and advocating on behalf of family members with disabilities. It would have a similar role to other national advocacy organisations funded under the program. It would also encourage the development of networks among family-based advocacy groups across Australia. It would draw together issues relating to the experiences of families in dealing with disability within the family and in interacting with agencies and service providers. The main focus of this body would be representation of the views of its constituents to governments and service providers. The new body would also be instrumental in providing adv...



## APPENDIX

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communities. The Committee supports the establishment of a mechanism to represent the interests of families of members with disabilities.

Such a mechanism would play a central part in promoting the role that families play in supporting and advocating on behalf of family members with disabilities. It would also encourage the development of networks among family-based advocacy groups across Australia. It would draw together issues relating to the experiences of families in dealing with disability and in interacting with agencies and service providers and in seeking support.

It is acknowledged that there are a number of state based family organisations and broader national organisations that represent families and carers. These organisations often have a very broad role and their current capacity to provide expert advice about the impact of the range of life-long disabilities on members of the family unit is limited. Many organisations provide effective representation of the interests and needs of families from a carer's perspective, however, there is limited representation of issues like the impact of disability on the social and economic status of different family members. There is also limited research about the social impact of disability on siblings of people with disabilities. These are some of the issues which could be better addressed.

The Committee considered many comments made by the community in response to its exposure draft, the majority of which recognised that families of people with disabilities do have special needs that are not shared in the same way by the rest of the community.

Many people who were consulted indicated that the Department should work with the Australian Carers Association and other state funded family groups to ensure that the families of people with disabilities are represented. Many people who responded to this issue did not want the Department to divert funding from existing disability advocacy service and from the disability advocacy program in order to fund a new body to represent families. They were of the view that funding for disability advocacy services should be targeted to assisting people with disabilities directly. Others were concerned that there would be some duplication of functions between the Carers Associations and any new mechanism.

In the light of consideration the views of the community and the current policy focus on families and strong communities it is suggested that in addition to utilising existing organisations, the Department of Family and Community Services develop a mechanism for representing the unique needs of families with members with disabilities. Such a move could be instrumental in improving knowledge and understanding of the needs of families and the social and impact of disability on families. The new mechanism would also be instrumental in providing advocacy support on behalf of families of people with disabilities and it would be instrumental in representing the views of families to governments and to the broader community.

### Recommendation 14:

A formal mechanism be established to represent the interests of families with members with disabilities.

ADVOCACY REVIEW REPORT

July 1999

CMINISTER

# WHAT HAS BEEN SAID - TO DATE.

.... "Campaigners are stepping up their protests against sheltered workshops, which they say, continue to swallow millions of dollars in Government grants, whilst failing to deliver meaningful work or satisfactory pay for employees."

Melbourne Times 20/08/01

"Caucus argues that if businesses are not viable enough to pay higher wages, they should not continue to receive Government grants"

"It's a Shame about the Pay"  
Melbourne Times, 08/01"

Sheltered workshops are archaic. "It goes back into history when people with disabilities were expected to work for their supper, and it goes back to a time when people with disabilities were shut away from society."

"Paul Cain, Senior Policy Officer - National Council on Intellectual Disability (NCID)  
The Melbourne Times 08/08/01"

"The current congregation people with disability in non-viable businesses neither provides decent wages nor decent employment"

(Open letter to Senators by National Caucus, September 2001 - <http://www.dice.org.au/employment/openletter.html>)

"... that many thousands of people with disability continue to be grouped together (congregation) in sheltered workshops (business services) in non-compliance with the integration object and objectives of the Disability Service Act, 1986"

Caucus Submission 24/09/01

"are employed under appalling employment terms and conditions. Many of these employees are congregated in non-viable business enterprises. This results in poor wages and the institutionalisation of people with disability"

Open letter to Senators 24/09/01 - National Caucus

"Funding would be better spent on moving people out of these 'institutions' (sheltered workshops). Financially, it could mean a substantial saving to FACS inside five years. People will become employed in the community like everybody else..." Paul Cain - Senior Policy Officer - NCID - as quoted "It's a shame about the pay" - Melbourne Times 08/01

(Mary Walsh, Australian Parent Advocacy 02/02)

"It is a sad fact of life that professionals in the disability industry have a more secure future than those destined to live within it, or the families struggling to support them."

The conclusion reached by the Steering Committee is that, in the past, organizations which have been funded to provide advocacy have carried out their role in accordance with their own operating philosophies...."

National Advocacy Review Report - July, 1999  
-Family Issues-

"Major areas of current non-compliance

- The funding of services that place jobseekers with disability in non-viable enterprises; and
- The congregation and segregation of jobseekers with disability"

Open letter to Senators 24/09/01 - National Caucus



In partnership -  
creating living, learning & working options.

*And*

NATIONAL COUNCIL ON



DISABILITY

*Disability Employment Action Centre*

# **SAFETY NET REVIEW 2004**

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**WRITTEN  
SUBMISSION**  
**28 January 2004**

3.9. All independent consultants confirm the validity of the BSWAT and recommend its implementation.

#### **4. NCID / DEAC view of the BSWAT**

##### **4.1. NCID and DEAC believe that the BSWAT offers many advancements and advantages for workers with disability in sheltered employment.**

It offers:

4.1.1. An independent assessment by an appropriately qualified and trained assessor.

4.1.2. A valid second option to the SWS.

4.1.3. It offers a wage assessment that is linked to a relevant award and relevant training packages for that particular job.

4.1.4. It offers a wage assessment that has been trialed and reviewed by independent consultants.

4.1.5. It enhances the opportunity for employers who are also employment assistance providers to provide relevant vocational training for workers.

4.1.6. It is economically sound: -The Marshall Consulting report states that: "*There would appear to be little in the BSWAT outcomes to endanger business viability.*" That is, it is a fair representation of productivity and competency – thus non-viability cannot be blamed on the wage assessment.